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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2164

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10/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/729,362

Applicant(s)

SHOHER, ITZHAK

Examiner

Sam Rimell

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 6-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 6: Claim 6 has been amended to recite that the second location includes a keyboard processor unit but is "absent a computer with a CPU and/or information processing capability to create and/store data files". These features are found to be new matter.

The device disclosed at the second location performs data transformation of ASCII data to composite video signals or transmitted ASCII data (page 3 last paragraph of the specification). Data transformation is the fundamental characteristic of a computer, so claiming the absence of a computer at this location is new matter. Additionally, the exclusion of not having a CPU is new matter, since the keyboard processor could be read as being a CPU. The keyboard processing unit is by its very name, a processing unit. The exclusion of not being able to create and store files is based on presumed limitations of the keyboard processor which are not recognized in the original disclosure.

Claim 7: Depends on claim 6.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 6-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6: Claim 6 has been amended to recite that the second location includes a keyboard processor unit but is "absent a computer". Given the presence of a "keyboard processor" "encoder" and "decoder" which perform data transformation functions of a computer, it is contradictory to state that the second location is "absent a computer".

Claim 7: Depends on claim 6.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard et al. (U.S. Patent 6,097,374) in view of Thomson et al. (U.S. Patent 6,675,019).

Claim 8: Reference is made to FIG. 2 of Howard et al. The system of FIG. 2 is essentially a base station that includes a wireless keyboard and a video monitor (14). The base station can communicate with a first remote computer (not shown in FIGS. 1-2) via a modem (59---col. 11, lines 1-7). The first computer is at a first remote location. The base station, with its wireless keyboard and video monitor are at the second location.

The keyboard that is used at the base station (second location) is an optical wireless keyboard that forms the keyboard processing unit. The A/D converter (25) is an ASCII encoder

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since it encodes ASCII standard characters typed into the keyboard into digital data. The D/A converter (23) is a decoder since it decodes digital signals back into analog form. The wireless communicating device is the RF transmission system (33, 34, 36, 37, 28—also col. 9, lines 36-37) which is part of the optical keyboard. A modem (59—col. 11, lines 1-7) exists to communicate with the first computer.

Howard is absent “another computer” at the second location. The system shown in FIG. 2 which defines the second location can be read a single computer system which is absent a second computer system.

Howard differs in that the base station does not incorporate a browser so that items displayed on the video monitor (14) are controlled by a browser. Howard also does not disclose the communications network as being the Internet. However, Examiner takes Official Notice that both browsers and the Internet itself were well and in worldwide use at the time of applicant's invention. It would have been obvious to one of ordinary skill in the art to modify the base station of FIG. 2 of Howard to include browser software so as to permit selective display of data on the video monitor (14). It would have been obvious to one of ordinary skill in the art to deploy the Internet as the communication medium for communicating between the first computer and the base station since the Internet is both economical to use and widely available.

Howard et al. also differs in that it does disclose a standard cellular telephone for data transmission and reception. However, col. 5, lines 42-45 and FIG. 4 teach the concept of attaching a keyboard device to a cellular telephone to transmit and receive data from a remote location. It would have been obvious to one of ordinary skill in the art to modify Howard to substitute the transmitter/receiver mechanism at the keyboard with a cellular telephone or

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substitute the transmitter/receiver at both the keyboard and base station with a cellular telephone. Such an arrangement would be permit the keyboard of Howard to communicate with an off the shelf cellular telephone rather than require a custom built and wired transceiver system. A cellular phone also has the advantage of being able to transmit its signal over unlimited distances due to its usage of a telephone network for data transmission.

Claim 9: Howard illustrates a video monitor (14) as part of the base station. No patentable distinction is found to exist between a "TV" and a "video monitor" since a television is in fact a video monitor. Howard further discloses an RF transmitter (34, also see col. 9, lines 36-37) and modulator (33) in the keyboard processor. *(It is noted that claim 9 should no longer be listed as a "new" claim since it was present in the record prior to previous office action).*

Remarks

Applicant argues that the system at the system at the second location is not a computer with a CPU, and that reciting the second location as being a computer with a CPU is not new matter. Applicant also points to the discussion on page 4 of the specification in support of this contention.

However, Page 4 of the specification includes the following statement:

"In the past, a keyboard processor having an ASCII encoder and decoder and an input/output terminal was made available commercially with a display monitor but without a CPU (Central Processing Unit) and was referred to as a "dumb terminal".

While this discussion does recognize the existence of dumb terminals which do not have CPU devices, there is no suggestion or statement that the present invention is such a dumb terminal. The discussion appears to be a discussion of related prior art devices, rather than a

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discussion of applicant's own invention. As a result, the examiner cannot use this statement as support for a negative limitation indicating that the second location is absent a computer and absent a CPU. The quotation does not indicate that device in FIG. 2 (the second location) is such a dumb terminal.

Applicant argues that the device of Howard cannot be interpreted as a base station. Examiner maintains that the system of FIG. 2 of Howard is such a base station since it communicates with a remote computer (not shown in the drawings) over a communications network via the modem (59).

This office action follows the filing of an RCE request and is made non-final.

Any inquiry concerning this communication should be directed to Sam Rimell at the
telephone number (571) ²⁷²~~276~~2-4084.



Sam Rimell
Primary Examiner
Art Unit 2164